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REMARKS

Claims 1-8 and 15-26 are pending in this application. By this Amendment, the specification is amended, claims 2-6 are amended claims 21-26 are added, and claims 9-14 are cancelled without prejudice or disclaimer. No new matter has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action objects to the drawings. These objections are respectfully traversed.

The Office Action alleges the drawings include the reference character 12 in Fig. 1, which is not mentioned in the description. Applicant disagrees. Reference character 12 is referenced at least at page 3, line 23. Thus, reference character 12 is referenced in the description. However, Applicant noticed that reference characters 14 and 16 are not mentioned in the description. Accordingly, the specification is amended to mention reference characters 14 and 16.

The Office Action alleges the drawings must show every feature of the invention specified in the claims and that the location system independent of the communication as stated by claim 5 and location broadcast network access points as stated in claim 8 must be shown or the features canceled from the claims. Applicant disagrees. Applicant asserts claims 5 and 8 are method claims. The features in these method claims are reciting steps in a method. The steps are illustrated in Fig. 5, elements 50 and 60. Thus, the claimed method steps are illustrated in the drawings.

Accordingly, Applicants respectfully request withdrawal of the objection to the drawings.

The Office Action objects to the specification. By this Amendment, the specification is amended above in accordance with the Office Action's suggestion to add a Summary to obviate the objection. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

The Office Action rejects claims 1-20 under 35 U.S.C. § 112, first paragraph for not enabling one of ordinary skill in the art to make and/or use the invention. This rejection is respectfully traversed. The Office Action alleges the specification fails to provide an enabling disclosure on how a user with a radio telephone in a no-coverage area can obtain service from a radio telephone system since the radio telephone is still in the no-coverage area of that radio

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telephone system, as stated in claims 1, 9, and 15. Applicant disagrees. In particular, none of the claims recite obtaining service while a radio telephone is "still" in a no-coverage area. More particularly, the claims expressly recite a method performed while in a no-coverage area. The method is used to obtain service. Furthermore, there is no recitation of a step of actually obtaining service in the no-coverage area. Again, the preamble expressly recites the method is performed while in a no-coverage area. To elaborate, the method recites steps performed in the no-coverage area that can be used to obtain service. There is no step of obtaining service when the radiotelephone is still in the no-coverage area.

The Office Action goes on to allege "returning the radio telephone to the coverage area to obtain service is critical or essential to the practice of the invention, but not included in the claim(s)." Applicants disagree. The steps in the claims inform a user in a no-coverage area on how to obtain coverage. The user may disregard the information and not return to a coverage area. Furthermore, there is no statutory basis for reciting a "critical or essential" element in a claim and such is not required by 35 U.S.C. § 112, first paragraph. Therefore, the Office Action has not provided a proper ground of rejection.

Accordingly, Applicant requests the withdrawal of the rejection of claims 1 and 15 under 35 U.S.C. § 112, first paragraph.

The Office Action rejects claims 5 and 8 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicants disagree. Initially, Applicants assert the Office Action does not indicate how the claims do not comply with the written description requirement. The Office Action only uses template language and a conclusory remark that the claims contain subject matter which was not described in the specification. The Office Action does not indicate which features are not described and why the features are not described. Regardless, regarding claim 5, page 7, lines 5-8 support the claimed feature. Regarding claim 8, page 8, lines 22-29 support the claimed feature. Furthermore, "There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed" (*In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976)). The Office Action has provided no evidence to overcome the presumption.

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Accordingly, Applicant requests the withdrawal of the rejection of claims 5 and 8 under 35 U.S.C. §112, first paragraph.

The Office Action rejects claims 1-20 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. This rejection is respectfully traversed.

The Office Action alleges claims 1, 9 and 15 "are confusing since obtaining service from a no-coverage area of a radiotelephone system (sic). By definition, a no coverage area does not have any service." Applicants respectfully disagree. As discussed above, claims 1 and 15 recite a method performed while in a no-coverage area. This method can allow the radio telephone to obtain service. There is no step of actually having service while still in the no-coverage area. The claims recite the steps of a method performed in the area that can be used to obtain service. Thus, the claims particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Office Action alleges "the step of determining directional information" lacks antecedent basis in claim 4. Claim 4 is amended to remove the feature of "the step of" thus, obviating the need for antecedent basis.

The Office Action alleges it is unclear which "the communication system" is being referred to in claims 2, 3, 5, 6, 8. Claims 2, 3, 5, 6, and 8 are amended to clarify the last known available communication system is being referred to.

The Office Action alleges the term "a communication system" is confusing since there is a third type of communication system now, the "too far away" communication system in claims 7, 14, and 20. Applicants agree there is a third term for a communication system and the Office Action correctly indicates the third term for the communication system is a "communication system that is too far away." In particular, the third term is distinguished from the others by the additional feature of "too far away." Therefore the claims are clear.

Accordingly, Applicants request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

The Office Action rejects, under 35 U.S.C. §101, claims 1-20 for being inoperative and lacking utility because it is impossible to obtain service from a no-coverage area of a

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radiotelephone system since by definition a no coverage area does not have any service. This rejection is respectfully traversed. Applicants assert the claims have utility by being a method performed in a no-coverage area that provides information for obtaining service. As discussed above, the claims expressly recite a method performed while in a no-coverage area. The method is used to obtain service. There is no recitation of a step of actually obtaining service in the no-coverage area. Again, the preamble expressly recites the method is performed while in a no-coverage area. To elaborate, the method recites steps performed in the no-coverage area that can be used to obtain service. Therefore, the claims are operative and have utility. Accordingly, Applicant requests the withdrawal of the rejection of claim 1-20 under 35 U.S.C. §101.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-8 and 15-26 are earnestly solicited.

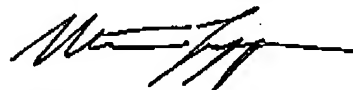
Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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